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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,574	07/20/2001	Eugene Gorbatov	42390P12150	1414

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EXAMINER

YIMAM, HARUN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,574

Applicant(s)

GORBATOV ET AL.

Examiner

Harun M. Yimam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/20/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/20/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11,13-23 and 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaefer (US 2002/0124252).

Considering claim 1, Schaefer discloses receiving a television stream; causing the display of a first program of a first channel received in the television stream for viewing by a viewer (paragraph 0023, lines 3-12); and notifying the viewer of an event occurring in a second program of a second channel being broadcast concurrently with the first program (paragraph 0015, lines 3-6 and 15-19).

As for claims 2 and 14, Schaefer discloses that the television stream comprises an enhanced television stream (interactive TV—paragraph 0033, lines 1-3 or enhanced TV—paragraph 0028, lines 13-19).

With regards to claims 3 and 15, Schaefer discloses receiving an event notification (information alert) within the enhanced television stream, the event notification indicating occurrence of the event (paragraph 0047, lines 10-14).

Regarding claims 4, 16, 28, and 32, Schaefer discloses that the enhanced television stream comprises a digital television stream (paragraph 0040, lines 5-9) and the event notification comprises an ATVEF trigger (paragraph 0028, lines 19-24).

Considering claims 5 and 17, Schaefer discloses receiving an event notification indicating occurrence of the event, the event notification comprising an ATVEF trigger communicated over the Internet (paragraph 0028, lines 13-19).

As for claims 6 and 18, Schaefer discloses automatically causing the changing of the channel after the event occurs to display the second program of the second channel instead of the first program (paragraph 0055, lines 1-4 and paragraph 0056, lines 3-5).

With regards to claims 7 and 19, Schaefer discloses concurrently causing the display of the first program on a first portion of a display and the second program on a second portion of the display (paragraph 0056, lines 10-14).

Regarding claim 8, Schaefer discloses identifying portions of programs as signifying events (beginning of a program on another channel—paragraph 0015, lines 13-19).

Considering claims 9 and 20, Schaefer discloses registering for notification of events (configure user profile to accept information alerts—paragraph 0015, lines 6-9 and paragraph 0019, lines 1-3).

As for claims 10 and 21, Schaefer discloses receiving a plurality of event notifications, filtering the event notifications to identify those event notifications corresponding to registered events (user profile), and notifying the viewer of occurrences of registered events for which event notifications have been received (paragraph 0029, lines 17-26 and paragraph 0069, lines 1-11).

With regards to claim 11, Schaefer discloses that the registered events (user profile) occur in programs broadcast on a plurality of channels (paragraph 0051, lines 1-6 and paragraph 0073, lines 8-12).

Considering claim 13, Schaefer discloses a storage medium having a plurality of machine readable instructions, wherein when the instructions are executed by a processor, the instructions provide for handling of event notifications in television programming (paragraph 0027, lines 10-14 and paragraph 0061, lines 4-7), the

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instructions including receiving a television stream, cause the display of a first program of a first channel received in the television stream for viewing by a viewer (paragraph 0023, lines 3-12), and notifying the viewer of an event occurring in a second program of a second channel being broadcast concurrently with the first program (paragraph 0015, lines 3-6 and 15-19).

As for claim 22, Schaefer discloses a method of broadcasting enhanced television programs comprising: defining events occurring in programs (information alert types— paragraph 0015, lines 6-9 and paragraph 0019, lines 1-3); creating ATVEF triggers representing event notifications corresponding to the events (paragraph 0028, lines 19-24); creating an enhanced television stream, the enhanced television stream comprising television programs (paragraph 0033, lines 1-3) and the ATVEF triggers (paragraph 0028, lines 13-19); broadcasting the enhanced television stream (paragraph 0055, lines 1-5 and paragraph 0023, lines 7-10).

With regards to claims 23, 27, and 31, Schaefer discloses that the enhanced television stream comprises a digital television stream (paragraph 0040, lines 5-9) and the events occur in programs broadcast on a plurality of channels (paragraph 0051, lines 1-6 and paragraph 0073, lines 8-12).

As for claim 25, Schaefer discloses broadcasting event definitions (types of alert information) to receivers for registration (configuring user profile to accept alerts) of associated events by a viewer (paragraph 0015, lines 3-9 & paragraph 0019, lines 1-9).

Regarding claims 26 and 30, Schaefer discloses a method of receiving enhanced television programs comprising: receiving definitions of events occurring in programs (types of alert information—paragraph 0047, lines 10-18); providing the event definitions to a viewer for selection of events of interest; receiving registrations for selected events of interest from the viewer (configure a user profile—paragraph 0015, lines 6-9 and paragraph 0019, lines 1-3); receiving an enhanced television stream (paragraph 0033, lines 1-3 or enhanced TV—paragraph 0028, lines 13-19), the stream comprising television programs and event notifications corresponding to events (information alert—paragraph 0028, lines 13-19); and comparing the received event notifications to the registered events (profile) and notifying the viewer when a received event notification corresponds to a registered event (paragraph 0069, lines 1-11).

Considering claims 29 and 33, Schaefer discloses automatically causing the changing of a currently tuned channel carrying a first program being viewed after receiving an event notification corresponding to a registered event (paragraph 0015, lines 6-9 and paragraph 0019, lines 1-3) to display a second program associated with the registered event instead of the first program (paragraph 0055, lines 1-4 and paragraph 0056, lines 3-5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer (US 2002/0124252) in view of Omoigui (2005/0086688).

Considering claim 12, Schaefer discloses that the event is determined in real-time (paragraph 0055, lines 5-6). In addition, the applicant discloses in the specification "triggers are real-time events" (page 6, lines 26-27). Schaefer fails to disclose that the second program is broadcast live.

In analogous art, Omoigui discloses an event notification system wherein the second program is broadcast live (paragraph 0035, lines 1-3).

It would have been obvious to one of ordinary skill in the art to modify Schaefer's system to include a live broadcast for the second program, as taught by Omoigui, for the benefit of viewing more than one live broadcast at a time (paragraph 0034, line 4 - paragraph 0035, lines 3).

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5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer (US 2002/0124252) in view of Blackketter (2003/0204854).

Considering claim 24, Schaefer discloses that a connection to a data communication network, such as the Internet, is provided for a cable subscriber (paragraph 0025, lines 1-9). Schaefer fails to explicitly disclose communicating ATVEF triggers to a receiver using the Internet.

In analogous art, Blackketter discloses communicating the ATVEF triggers to a receiver using the Internet (paragraph 0026, lines 1-5 and paragraph 0050, lines 8-17).

It would have been obvious to one of ordinary skill in the art to modify Schaefer's system to include communicating the ATVEF triggers to a receiver using the Internet, as taught by Blackketter, for the benefit of reaching large number of consumers using an inexpensive distribution means.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY



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